

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

E.I. DU PONT DE NEMOURS AND COMPANY,)
Plaintiff,)
)
v.)
)
HERAEUS PRECIOUS METALS NORTH AMERICA CONSHOHOCKEN LLC, AND SOLARWORLD INDUSTRIES AMERICA, INC.,)
Defendants.)
)

CASE NO. 3:12-CV-1104-HU

ORDER AND JUDGMENT OF DISMISSAL WITH PREJUDICE

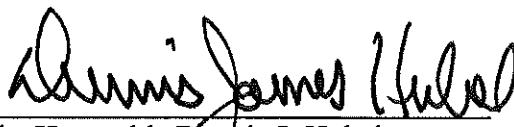
On this day, Plaintiff E.I. DuPont de Nemours and Company (“Plaintiff”) and Defendant Heraeus Precious Metals North America Conshohocken LLC (“Defendant”) announced to the Court that they have settled Plaintiff’s claims for relief against Defendant and SolarWorld Industries America, Inc. (“Co-defendant”) and Defendant’s counterclaims for relief against Plaintiff asserted in this case. Plaintiff and Defendant have therefore requested that the Court dismiss Plaintiff’s claims for relief against Defendant and Co-defendant with prejudice and dismiss Defendant’s and Co-defendant’s counterclaims for relief against Plaintiff, other than Defendant’s

counterclaim for violation of the Lanham Act, without prejudice as moot, and Defendant's counterclaim for violation of the Lanham Act with prejudice and with all attorneys' fees, costs and expenses taxed against the party incurring same. The Court, having considered this request, is of the opinion that their request for dismissal should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's claims for relief against Defendant and Co-defendant are dismissed with prejudice and Defendant's and Co-defendant's counterclaims for relief against Plaintiff, other than Defendant's counterclaims for violation of the Lanham Act, are dismissed without prejudice as moot, and Defendant's counterclaims for violation of the Lanham Act are dismissed with prejudice. This dismissal with prejudice of Defendant's Lanham Act counterclaims includes Count IV, which this Court previously dismissed without prejudice.

IT IS FURTHER ORDERED that all attorneys' fees, costs of court and expenses shall be borne by each party incurring the same.

Dated: October 30, 2013


The Honorable Dennis J. Hubel
United States Magistrate Judge